

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

In re:	)	Chapter 7
	)	
JASON LEWIS ZILBERBRAND,	)	Hon. A. Benjamin Goldgar
	)	
Debtor.	)	Case No. 17-04034

**NOTICE OF MOTION**

To: Attached Service List

PLEASE TAKE NOTICE that on December 21, 2018, at 1:00 p.m. I will appear before the Honorable A. Benjamin Goldgar, or any judge sitting in that judge's place, in the Park City Branch Court, Courtroom B, 301 S. Greenleaf Ave., Park City, Illinois 60085, and present the *Trustee's Motion to Intervene in Pending Rule 2004 Proceedings*, a copy of which is attached.

Dated: December 14, 2018

ILENE F. GOLDSTEIN, as Trustee  
for Jason Lewis Zilberbrand

/s/ Paul M. Bauch  
One of her attorneys

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**CERTIFICATE OF SERVICE**

I, Paul M. Bauch, certify that I served a copy of this notice and the attached motion on each entity shown on the attached list at the address shown and by the method indicated on the list on December 14, 2018 at 4:30 p.m.

/s/ Paul M. Bauch

**SERVICE LIST**

VIA CM/ECF:

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Debtor.	)	Case No. 17-04034

**TRUSTEE'S MOTION TO INTERVENE  
IN RULE 2004 DISCOVERY PROCEEDINGS**

Ilene F. Goldstein, as Trustee (the "Trustee") for Jason Lewis Zilberbrand ("Zilberbrand" or the "Debtor"), by and through her attorneys and pursuant to Fed. R. Bankr. P. 2018(a), hereby requests this Court to allow her to intervene in the pending Rule 2004 discovery proceedings.

**I. JURISDICTION**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1334 and 157.

2. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (O).

**II. BACKGROUND**

1. On February 14, 2017 (the "Petition Date"), the Debtor filed a voluntary petition for relief under Chapter 7, Title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.*, (the "Bankruptcy Code"), in the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division (the "Court").

2. The Trustee has been appointed as the duly appointed, qualified, and acting bankruptcy Trustee for the Bankruptcy Estate of the Debtor.

3. David Gassman ("Gassman") is a creditor who holds an unsatisfied judgment and other claims against the Debtor.

4. On March 9, 2017, Gassman filed a *Routine Motion for Leave to Conduct Rule 2004 Examinations* (the “Rule 2004 Motion”) [ECF No. 13]. On April 4, 2017, this Court entered its order on the Rule 2004 Motion, which authorized Rule 2004 examinations and the production of documents with respect to the Debtor. [ECF No. 17]. This order is attached hereto as **Exhibit 1**. The Rule 2004 Motion, the Order thereon, and the Subpoenas issued pursuant to such Order are hereinafter described as the “Rule 2004 Discovery Proceedings.” Gassman issued and served subpoenas to the Rule 2004 parties.

5. In performance of her duties as defined in 11 U.S.C. § 704, the Trustee has preliminarily concluded that the estate may have claims against the Debtor’s insiders and third parties that may be sufficient to satisfy claims filed against the estate. The Trustee has retained as her special litigation counsel the attorneys who formerly represented Gassman in connection with the case and the Rule 2004 Discovery Proceedings [ECF No. 79, 82]. The Trustee believes that it would be efficient for the Trustee to formally intervene in the Rule 2004 Discovery Proceedings and may also file additional Rule 2004 Motions.

### III. RELIEF REQUESTED

6. The Trustee seeks authority, pursuant to Fed. R. Bankr. P. 2018(a), to intervene in the Rule 2004 Discovery Proceedings. Pursuant to 11 U.S.C. § 323, the Trustee is the representative of the estate. Rule 2018(a) provides that “the court may permit any interested entity to intervene generally or with respect to any specified matter.” Although there is some debate whether a Rule 2004 Motion created a contested matter, the Court has discretion to deem it such and to make

Fed. R. Bankr. P. 7024 applicable to the matter and allow intervention on that basis.

WHEREFORE, the Trustee requests the entry of an order authorizing her to intervene in the Rule 2004 Discovery.

Dated: December 14, 2018

ILENE F. GOLDSTEIN, as Trustee  
for Jason Lewis Zilberbrand

/s/ Paul M. Bauch  
One of her attorneys

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Carolina Y. Sales (ARDC #6287277)  
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